

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WASHINGTON MUTUAL BANK,

Plaintiff,

v.

LAW OFFICE OF ROBERT JAY GUMENICK, P.C., and
ROBERT JAY GUMENICK,

Defendants.

08 CV 02154 (VM) (FM)

Notice of Defendants' Motion to Dismiss
Pursuant to Fed. R. Civ. P. 12(b)(6), or Alternatively, to Stay Proceedings

PLEASE TAKE NOTICE that, upon declaration of Justin R. Leitner, dated May 14, 2008, the exhibits annexed thereto, and the accompanying memorandum of law, defendants Law Office of Robert Jay Gumenick, P.C., and Robert Jay Gumenick, by their undersigned counsel, shall move this Court before the Honorable Victor Marrero, at the United States District Courthouse located 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an Order:

- (1) dismissing the plaintiff's complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted; or, alternatively,
- (2) staying this action; and/or
- (3) granting such other and further relief that the Court deems necessary and appropriate.

Dated: New York, New York
May 14, 2008

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

By: /s/ Justin R. Leitner

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To:

All Counsel (via ECF)